

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 31 2005

DAVID J. MALAND, CLERK
BY
DEPUTY _____

UNITED STATES OF AMERICA

§
§
§
§
§
§

vs.

Case No. 4:05-CR-12

Judge Schneider

TROY ANTHONY SMOCKS,
Defendant

FACTUAL RESUME

A. Factual Resume:

IT IS HEREBY STIPULATED, by TROY SMOCKS, defendant herein, that the following facts are true and correct, and that he understands and agrees, with the express consent of his counsel, Robert Arrambide, that this factual resume may be used by the Court to determine whether his plea is voluntary and knowing and by the probation officer and Court to determine an appropriate sentence for the offense to which he is pleading guilty:

1. TROY SMOCKS possessed document making implements and produced false identification documents in the Eastern District of Texas:

At the time of his arrest in August 2003, Defendant TROY SMOCKS in the Eastern District of Texas, possessed document making implements including a personal computer, printer, scanner and laminating machine and used them to unlawfully produce false identification documents including the following:

<u>DATE OF PRODUCTION</u>	<u>DOCUMENT</u>	<u>NAME</u>
8-3-02	Secretary of Transportation - Federal Aviation Administration Certificate #4830-151(Pilot's License)	Troy A. Perex
7-1-2003	Social Security Card Form SSA-3000 (4-95) #D22011577	Troy A. Perez
8-12-2003	Armed Forces of the United States of America Identification Card DD-Form 2	Mark Perez
7-28-2003	Oklahoma Drivers License	John D. Perez
7-8-2003	Missouri Certificate of Live Birth #29-73216	Troy A. Percz

2. **TROY SMOCKS possessed false identification documents in the Eastern District of Texas:**

Further, at the time of his arrest on or about August 14, 2003, in the Eastern District of Texas, the defendant, TROY ANTHONY SMOCKS, did unlawfully possess the following identification documents on his person and in his apartment:

<u>DOCUMENT</u>	<u>NAME</u>
Armed Forces of the United States Identification Card DD-Form 2	Troy A. Perez
Armed Forces of the United States Identification Card DD-Form 2	John D. Perez
Armed Forces of the United States Identification Card DD-Form 2	Robert Perez
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy Anthony Smocks
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy Anthony Smocks
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy Anthony Smocks

<u>DOCUMENT</u>	<u>NAME</u>
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy A. Perez
Certificate of Release or Discharge from Armed Forces DD-Form 214	Troy A. Perez
Secretary of Transportation - Federal Aviation Administration Certificate (Pilot's License)	Troy Anthony Smocks
Secretary of Transportation - Federal Aviation Administration Certificate (Pilot's License)	John D. Perez

3. **TROY SMOCKS wore military uniforms and military decorations without authority.**

~~Defendant TROY SMOCKS, has never served in the military.~~ Nevertheless, ^{RA} ^{MA} at his co-workers wedding on or about June 14, 2003, in the Eastern District of Texas, the defendant, TROY ANTHONY SMOCKS, did knowingly and without authority wear the uniform of the Armed Forces of the United States, along with decorations and medals he did not earn.

4. **TROY SMOCKS possessed counterfeiting implements and used them to make counterfeit securities.**

At the time of his arrest, in August 2003, Defendant TROY SMOCKS, possessed counterfeit making implements including a personal computer, printer, scanner, software and check stock and used them to unlawfully produce counterfeit checks including the check that forms the basis of the bank fraud charge in Count #20 of the Indictment in this case.

5. **TROY SMOCKS deposited a counterfeit check into an account that he opened with false identification.**

a. On August 8, 2003, TROY SMOCKS opened bank account #4781819312 in the name of "Robert Perez" (hereinafter referred to the "Perez Account") at the Bank of America by

using a false identification that he produced on his personal computer.

b. SMOCKS fraudulently created counterfeit Home Depot payroll check #14348 in the amount of One Thousand Three Hundred and Forty Two Dollars and Sixty Nine Cents (\$1,342.69) (hereinafter referred to as the "counterfeit check"). Smocks made the counterfeit check payable to "Robert Perez" and Robert Perez was the fictitious assumed identity of SMOCKS. SMOCKS signed a signature of purported, but fictitious, Home Depot representative as the maker of the counterfeit check.

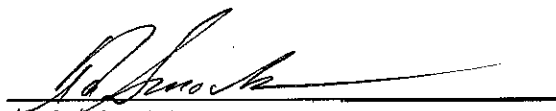
c. SMOCKS, thereafter endorsed the counterfeit check as "Robert Perez" and presented it to Bank of America for deposit into the Perez Account.

d. On August 8, 2003, within the Eastern District of Texas, SMOCKS, knowingly tendered to Bank of America, for Deposit in the Perez Account, the counterfeit check in an attempt to receive credit for the Perez Account.

B. TROY SMOCK's signature and acknowledgment:

I have read these elements and factual resume and have discussed it with my attorney. I fully understand the contents of this factual resume and agree without reservation that it accurately describes the events and my acts.

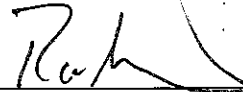
Dated: 10-28-05


TROY SMOCKS
Defendant

C. Defendant's counsel's signature and acknowledgment:

I have read this elements and factual resume and have reviewed it with my client, TROY SMOCKS. Based upon my discussions with TROY SMOCKS, I am satisfied that he understands both the elements and the factual resume.

Dated: 28 Oct 05



ROBERT ARRAMBIDE
Attorney for the Defendant